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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,479	08/13/2001	Yukihiko Sakashita	35.C15679	6135
5514	7590	10/07/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, CHANH DUY	
			ART UNIT	PAPER NUMBER
			2675	
DATE MAILED: 10/07/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/927,479	SAKASHITA, YUKIHIKO
	<b>Examiner</b>	<b>Art Unit</b>
	Chanh Nguyen	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 August 2001.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____                                     |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The reference listed on the Information Disclosure Statement filed on October 17, 2003 has been considered by examiner; see attached PTO-1449.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (JP-65528) in view of Kuriyama (U.S. Patent No. 6,535,224).

As to claim 1, Watanabe discloses a display device as recited in claim 1 with exception of specifically describing the term luminance. For example, Watanabe teaches a light source (410) for emitting a light, a light modulation element (461-463, 413-416) for modulating the emitted light. Watanabe teaches an picture signal

inputting means (420, 430 and 450) for receiving a picture signal for outside and inputting a driving signal for driving the light modulation element to the light modulation element , in which the light modulation element modulates the light based on the picture signal and an image is displayed. Watanabe teaches the picture signal inputting means including a target light amount calculating means (1005) and a light amount controlling means (1006), the target light amount calculating means (1005) being means for calculating an adequate light amount for an image display and the light amount controlling means (1006) for receiving the signal from the target light amount calculating means (1005) and controlling the light so as to obtain a target light amount. Watanabe teaches that "amplification rates can be set for the individual inversion amplifier 10030 , so that the amplifier can correct the sensitivity of each photosensor which differs depending on the color". Kuriyama teaches the use of amplifier to control the high luminance or low luminance of the driving signal as recited in the claim (see column 7, line 51 through column 8, line 25 and column 10, lines 3-57). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used amplifier as taught by Kuriyama to the light source control/image signal correction circuit so that a sufficient resolving power of gray scales is given to the dark picture 9see column 2,lines 23-40 of Kuriyama).

As to claim 2, Kuriyama clearly teaches multi gradation processing as recited in the claim (see column 11, line 63 through column 12, line 13).

As to claim 12, this claim differs from claim 1 only in that the term factor is additional recited. This term is so broad that it can read on the amplifier of Kuriyama or

even amplifier of Watanabe because any amplifier has a factor so that the input can be changed in response to that factor.

As to claims 13-14, these claims are met by Watanabe and Kuriyama as previously discussed with respect to claims 1 and 12 above.

6. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Kuriyama as applied to claim 1 above, and further in view of Hayashi et al (U.S. Patent No. 6,624,862).

As to claims 3-4, not the discussion of Watanabe and Kuriyama above, Watanabe teaches a polarization light flux, but does not mention a rotational position of the light amount adjusting member. Hayashi teaches that "the black level of the projected light is adjusted by rotating the principal axis direction of the phase plate" (see column 5, lines 48-63). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the phase plate for adjusting the projected light as taught by Hayashi to the light amount adjusting member of Watanabe as modified by Kuriyama so as to provide a perfect black display with the liquid crystal display.

As to claims 5-6, Hayashi clearly teaches a phase plate (15).

7. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Kuriyama and Hayashi as applied to claims 2-6 above, and further in view of Yoshii et al (U.S. Patent No. 5,969,820).

As to claims 7-11, note the discussion of Watanabe, Kuriyama and Hayashi above, none of the Watanabe, Kuriyama and Hayashi mention an ultrasonic motor. The use of ultrasonic motor as the light amount adjusting member is so well-known in the art. For example, Yoshii teaches that an ultrasonic motor or an electromagnetic motor may be used in the driving means (see column 7, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have substituted the ultrasonic motor as taught by Yoshii to the light adjusting member of Watanabe as modified by Kuriyama and Hayashi so that the high speed light quantity control is assured (see column 7, lines 35-40 of Yoshii).

**Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Technology Center 2600 Customer Service Office  
whose telephone number is (703) 306-0377.

*CN*  
C. Nguyen  
September 30, 2003

*Chanh Nguyen*  
CHANH NGUYEN  
PRIMARY EXAMINER